

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND

3 WYNDHOLME VILLAGE, LLC., :

4 Et al., :

5 Plaintiffs : CIVIL ACTION NUMBER

6 vs. : L01-3809

7 NADIF OF WYNDHOLME, LLC., :

8 Et al., :

9 Defendants :

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11 * * * * *

12 Deposition of HOWARD A. RUBENSTEIN, ESQUIRE,

13 taken on Wednesday, March 26, 2003, at 11:14

14 a.m., at the law offices of Adelberg, Rudow, Dorf

15 & Hendler, LLC, 600 Mercantile Bank and Trust

16 Building, 2 Hopkins Plaza, Baltimore, Maryland

17 21201, before Emily Rose Hoffman, Notary Public.

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20 Reported by:

21 Emily Rose Hoffman, Notary Public

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1 ask it. Did Mr. Fisher --

2 MR. SCHULMAN: Your voice is dropping.

3 The question is so long and compound that by the

4 time you get to the end of it, you are exhausted

5 and your voice drops.

6 MR. SAMMONS: I fell asleep.

7 Q. Did Mr. Fisher identify himself as being

8 affiliated with North American doctors fund?

9 A. Yes.

10 Q. And did he represent in the course of

11 the early negotiations that North America's

12 doctors fund would actually provide the funding

13 of this project?

14 MR. SCHULMAN: Objection. I don't think

15 you have the name right.

16 MR. SAMMONS: Correct me. North

17 American -- off the record.

18 (Discussion off the record.)

19 BY MR. SAMMONS:

20 Q. I'm referring to North American Doctors

21 Investment Fund. Do you recall whether he

1 represented that North America Doctors Investment
2 Fund would actually provide the funding on this
3 project? Did he make that representation?

4 A. That or one of its entities.

5 Q. All right. I asked you a question or
6 two about signing of consent orders in connection
7 with the forbearance by NADIF and other secured
8 lenders. Do you recall that there were such
9 consent orders?

10 A. To motions to lift stay, yes.

11 Q. Were those consent orders freely
12 negotiated between the parties to the orders as
13 far as you know?

14 A. Yes.

15 MR. SAMMONS: All right. I have nothing
16 further. Thank you, Mr. Rubenstein.

17 EXAMINATION BY MR. SCHULMAN:

18 Q. I have just a few. You stated, I
19 believe, that Mr. Goldberg's client obtained the
20 deposits from the people that had given Wyndholme